

CHURCH AND STATE

A MONTHLY REVIEW



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Whole Truth on Persecution Should Be Told, POAU Holds

Congressman William E. McVey of Illinois has been urged by POAU to tell the whole story of religious persecution abroad, and not just part of it. After Rep. McVey inserted the names of 161 "leading Catholic dignitaries" in the *Congressional Record* (Appendix) of May 24 under a heading indicating that they were victims of "Religious Persecution Behind the Iron Curtain," POAU Executive Director Glenn L. Archer wrote to him in appreciation of his concern over "persecution," and suggested that data on "religious intolerance . . . not only behind the Iron Curtain but in Italy, Spain and other countries that I might mention" also be included in the *Record*. Rep. McVey replied by asking for details, and Archer obliged in a lengthy letter from which extracts are quoted below:

Dear Congressman McVey:

Your commendable interest in furthering the principle of religious liberty wherever it is abused and whoever may be the transgressors prompts me to call to your attention the following violations. The details of many of them have appeared in the press and all of the cases cited can be supported with documentary evidence. Victims are clergy and laymen, natives and foreigners, Protestants, Catholics and Jews.

Colombia offers an extreme example of religious intolerance. The Evangelical Confederation of Colombia has verified the facts that since 1948—

53 Colombian Protestants have been murdered because of their religious faith, 28 by National Police and government officials.

116 Protestant primary schools have been closed, 45 by government order, the others because of violence.

43 church buildings were completely destroyed by fire and dynamite.

10 structures on church property were confiscated by government officials or civilians supported by National Police.

\$148,000 in financial loss has been sustained by churches and missions in buildings destroyed, damaged or confiscated. . . .

In addition, Protestants have been confined in stocks, expelled from their homes, abused, threatened, villified and jailed because of their religious beliefs. Worship services have been halted by armed police.

There has been a case of "legal kidnapping" in which two Protestant children of a native widow were seized by government officials without their mother's knowledge or consent. . . .

Since March 1, 1954 more than 600 children have been deprived of an education because of the closing of five Protestant schools in Colombian island possessions by order of the Inspector of Education. Though petitions to the President and the Minister of Education have brought recent promises that the schools will be reopened "provided they comply with general regulations," the sharp injustice of the act has been deplored by leading conservative and liberal newspapers of Colombia. . . .

Contradicting itself on the treatment of religious minorities, the Ministry of Government's Circular 310, issued January 28, 1954, opens with reassurances that "non-Catholic citizens or foreigners resident in Colombia enjoy complete liberty of conscience," then tightens existing restrictions. The Circular requires pastors to obtain police permits for holiday worship services (which must be conducted privately); forbids non-Catholics to make any public manifestation of their religious faith outside churches and chapels set apart for that purpose (this should be considered in the light of the treatment given such buildings as mentioned above); denies Colombian Protestants in the "Mission Territories" (three-fourths of the national area) the right to have schools for their children; and prohibits them from engaging in any activity which might attract others to their faith.

The Circular is contrary to Article 53 of the Colombian Constitution, conflicts with Article 18 of the United Nations' Universal Declaration of Human Rights, and violates the agreement in the 1948 Charter of the Organization of American States. . . .

A second glaring example of religious intolerance is that exhibited by the government of Spain. Overt persecution, which

existed in the early part of the Franco regime, has been systematized into a deliberate campaign of torment and severest restriction for Spanish Protestants.

Although Article VI of the Spanish Bill of Rights (*Fuero de los Espanoles*) states that "No one will be molested for his religious beliefs, or for the private practice of his cult," the following types of persecution continue to be inflicted by the government: Protestant churches may have no identifying sign; permits for new congregations are refused; no youth activities or Protestant parochial schools are permitted; no Protestant religious literature, including Bibles, may be published or circulated through the mails; persons worshipping in private homes have been beaten and fined by police; churches have been closed and missionaries expelled without explanation.

In Italy both native and foreign Prot-

(Continued on page 4)

POAU Trustees Hold Semi-Annual Meeting

Significant legal contests affecting church-state relations in twelve states were discussed by POAU's national executive committee at its semi-annual meeting on June 8 at national headquarters in Washington. Other state and local situations which might conceivably lead to court action—such as the Jersey City-Seton Hall medical school proposal—were also analyzed in detail. POAU President Edwin McNeill Poteat presided.

Executive Director Glenn L. Archer, preparing to embark on a study trip to Spain and Italy from July 3 to August 10, went over the proposed itinerary with board members.

Organization Director John C. Mayne reviewed recent POAU chapter activities and the springtime area meetings which have been held.

Preliminary plans for the Seventh National Conference on Church and State, scheduled to be held in Washington on January 19 and 20, 1955, were also discussed.

All were gratified to see Treasurer Edward H. DeGroot, Jr., back on his feet after his recent operation.

To Tax or Not to Tax That Is the Question

When is a piece of church property entitled to tax exemption? Well, that depends—on where the property is located, who makes the decision, and many other factors.

In the District of Columbia, for instance, the Municipal Court of Appeals recently denied exemption to a building owned by the Bethel Pentecostal Tabernacle because it had not been used "primarily and regularly" for worship during most of the year for which exemption was claimed. Except for an occasional "prayer . . . [and] song or two," the judges found, the building had been undergoing renovation while another one was being used for regular services. They ordered the church to pay \$1,224 in real estate taxes for the fiscal year 1949.

In Wilmington, Del., on the other hand, Superior Court Judge Daniel L. Hermann recently brushed aside the city's argument that a church rectory "not used for public worship" should be required to pay taxes. He ruled that St. Stanislaus Kostka Roman Catholic Church was right in its refusal, from 1921 on, to pay taxes on its rectory. The judge held that the statutory tax exemption extended to church property "not held by way of investment."

The Kansas State Supreme Court is considering a petition filed by the Southern Baptist Sunday School Board requesting tax exemption for the Wichita Baptist Book Store, from which "some 94 churches and 13,000 Baptist persons in Kansas" receive funds.

On the federal level government policy with regard to the "excise tax on religious items such as the 'Cross and Crown' pins and medals" has come under fire. E. Taylor Wertheim of New York, N. Y., stated in a letter in *The Christian Century* of June 16 that this "tax of 20 per cent (late-ly reduced to 10 per cent) has cost the Protestant denominations hundreds of thousands of dollars annually on 'Cross and Crown' awards alone because tax authorities refuse to recognize that these pins are for religious purposes. . . ." He added: "What makes this tax doubly unfair is that the Roman Catholic Church does not have to pay a tax on similar items. While the ruling is probably unintentionally discriminatory it does penalize. . . Protestant churches and Sunday schools that use these pins to promote regular attendance and

encourage young people to learn and practice the doctrines of the Christian religion." The letter also notes that "Carroll E. Whittemore, a rugged New England individualist" has retained attorneys to fight the federal ruling.

(As this issue goes to press, word has come that the Treasury Department has lifted the excise tax on Cross and Crown pins "provided they are supported by a statement from the clergy or leaders of the various religious denominations to the effect that the articles are purchased for religious purposes.")

British Court Assails 'Forced' Marital Pact

"How can you expect a man to be sincere if he is forced into it?" a British judge asked in a recent case involving a Roman Catholic mixed marriage agreement. The issue of the pre-marital agreement was raised in an appeal by Mrs. Kathleen Bracken for the custody of four children awarded by a lower court to her divorced husband.

"Giving judgment, Lord Justice Denning said that the marriage was in 1942," the *London Daily Telegraph* relates. "Mrs. Bracken committed adultery with a neighbour, and when Mr. Bracken brought divorce proceedings she counter-charged him with cruelty."

When Mrs. Bracken argued that the children should stay with her because the pre-marital agreement required that they be brought up as Roman Catholics, Justice Denning replied with his question about "sincerity" in agreements which are "forced." Mrs. Bracken's attorney asserted that the non-Catholic partner to such an agreement "gives the undertaking willingly," but the judge asked, "Does he? He is told: 'You cannot marry unless you give the undertaking.'"

After the case reached this turn Mrs. Bracken sought to compromise by asking for only two of the four children, but the court upheld the father's custody. Mr. Bracken had remarried after his divorce, and was deemed able to provide a good home.

BULLETIN—A Pittsburgh court has just ruled in favor of Dr. Frederick Curtis Fowler, POAU leader, in a suit against public subsidization of Roman Catholic child care institutions. Details in September CHURCH AND STATE.

Archbishop Opposes Australian Rites

The Anglican ceremonies which are traditional on certain public occasions in Australia have come under sharp attack recently from the *Catholic Weekly* and Roman Catholic Archbishop Mannix of Melbourne. There is a distinct possibility that a court test of the question may be attempted—in which case the Roman Catholic Church will be in the anomalous position of attacking "establishment" of religion in Australia (forbidden by the constitution) while "establishment" is looked upon as proper, just and natural in the Roman Catholic countries of the world.

Naval cadets of Roman Catholic persuasion were ordered by Archbishop Mannix to abstain from participation in an Anglican-tinged ceremony honoring the Duke of Edinburgh, although, in deference to Queen Elizabeth he gave them special permission to be present at similar ceremonies in her honor. At the same time, however, he demanded that in the future the ceremony of presentation of colors be so altered as to eliminate religious significance. Later, the Archbishop asserted that Prime Minister Menzies had agreed with this position.

Counter-blasts have come from Protestant groups in the country—notably the New South Wales council of churches, which stated that it "feels strongly that the attitude of the Roman church is one that can only bring about the paganizing of such ceremonies" and that "the dictates of this church must not be allowed to dominate our national life."

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CHURCH AND STATE

NEWS From Far and Near

◆ Compulsory church parades in the British armed forces are a thing of the past, so far as the Church of England Assembly is concerned. The assembly recently voted down a motion by Commander Kenneth B. M. Churchill of Salisbury to restore the parades, abolished after World War II.

◆ The Navajo Indian Tribal Council at Window Rock, Ark., is considering a plea by tribesmen members of the Native American Church that their sect uses the peyote drug as the means "whereby you see God." A 1940 ordinance of the council banned sale or use of the drug, but it is said that thousands of Navajos still use it, and early this year 13 were convicted of violating the ordinance. Pharmacology Professor Maurice Severs of the University of Michigan testified at the council hearing that peyote is the only drug he knows of that is strictly connected with religion; he added that users can discontinue it without ill effects. Dr. David Aberle, Johns Hopkins University anthropologist, also testified, describing how Native American Church members employ the drug in rituals invoking divine aid in time of trouble.

◆ Priests and other religious teachers may conduct public school classes in religion for minimum thirty-minute periods three times a week, under new regulations recently issued by the Philippine Secretary of Education.

◆ Asked to comment on certain passages read to him by Rep. Wayne L. Hays of Ohio, a Congressional committee associate research director recently called the statements "closely comparable" to Communist doctrines—and was then informed that they were quoted from three 1891 encyclicals of Pope Leo XIII. The discomfited witness was Thomas M. McNeice, staff member of the Special House Committee to Investigate Tax-Free Foundations. Among the "foundations" named as possible objects of investigation by the committee is the National Council of Churches.

◆ Work is proceeding on a new translation of the Bible into present-day Greek, but publication will depend on "the approval of both the Orthodox Church of Greece and the Ecumenical Patriarchate," as required by the national constitution of 1948. (In 1901 eight persons were killed, 70 were injured, the cabinet fell and the Archbishop of Athens resigned as an aftermath of rioting caused by publication of a vernacular translation by Alexander Pallis.) . . . Three Old Calendar Sect Orthodox clergymen have been sentenced to two-month jail terms at Kalamata, Greece, for having held an illegal Mass at an outdoor chapel. Earlier, at Patras, a Greek Evangelical Church layman received a 40-day sentence and heavy fine for selling religious tracts.

◆ A review of the New Jersey Supreme Court decision barring public school Gideon Bible distribution (*Church and State*, November, 1953) has been asked of the United States Supreme Court by the Gideons International. . . . The Court has declined to review a U. S. Court of Appeals ruling that the Pilgrim Holiness Church of Indianapolis must obey the Federal Fair Labor Standards Act.

◆ American Protestant missionaries in the Portuguese West African colony of Angola are under attack for activities "contrary to the spiritual interests of the country" as defined by the Lisbon daily newspaper, "O Seculo." According to the paper, only Roman Catholic missions are beneficial to the Angola population because of the importance of "integrating the natives in the national aggregate." "O Seculo" contends that the missionary is an agent of civil power and should be "the creator of patriotism."

◆ Application for a federal government loan of \$310,000 for construction of a women's dormitory at Augsburg (Lutheran) College and Theological Seminary in Minneapolis, Minn., was approved by the Lutheran Free Church's recent annual conference at Thief River Falls, Minn.

Voters May Decide Jersey Medical School Question

A fluid situation was confronted by the Citizens' Fact-Finding Committee on the Proposed (Jersey City) Medical Center-Medical School Merger as it held a public rally on June 17 at the Jersey City YMCA. Holding that neither Seton Hall (Roman Catholic) University nor any other religious institution should be given control of the proposed tax-supported medical school, the committee—by the mere fact of coming into being—had forced the city administration to postpone its Seton Hall plans in order to allow other institutions to submit bids on the project (*Church and State*, April and June).

On June 14, just a few days before the Fact-Finding Committee rally, the state assembly at Trenton passed a senate-approved bill calling for a popular referendum on a \$25,000,000 bond issue for a state medical-dental college whose location would be determined later. If voters approve the bond issue, this might take the wind out of Seton Hall's sails, since a chief argument for the Jersey City scheme is that New Jersey is without a state medical and dental college.

Lowell Speaks

A principal speaker at the rally was the Rev. Dr. C. Stanley Lowell of POAU's executive committee. He referred to the Seton Hall plan as one of many instances of the desire of the Roman Catholic Church for "special favors and special recognition at the hands of the state." Saying that the value of the plant which Seton Hall would acquire had been estimated to be "perhaps \$150,000,000," he contended that such a gift of a highly valuable property to a church "would be unconstitutional and a 'repudiation of the American way.'"

Subsequent to the committee rally, Jersey City officials announced that although Fairleigh Dickinson College of Rutherford and Teaneck had expressed interest in leasing the Jersey City Medical Center and had outlined a plan of financing which would have included state aid, only Seton Hall had made a concrete bid, offering to pay an annual rental of \$275,000 and to pay for necessary alterations.

Chairman of the Citizens' Fact-Finding Committee is the Rev. Edward F. Dobihal, Jr., of Lafayette Methodist Church in Jersey City.

Progress Report Sent To National Advisors

A "bird's-eye report" on POAU progress was recently presented by Executive Director Glenn L. Archer in a letter to members of the National Advisory Council—a body of approximately 100 persons of many denominations and living in all parts of the United States.

"In five years," Archer noted, "POAU has served in four areas: *research* (basis of articles, pamphlets, speeches, statements for Congressional hearings, college students' papers, etc.); *publications* (spread of information—distribution of approximately six million pieces of promotional material, the monthly *Church and State Review*, press releases, one hundred different pamphlets and reprints of significant statements on church-state separation); *legislation* (opposing encroachment of legislative bodies in religious affairs); *litigation* (enforcement of law at local and state levels—a dozen cases are now pending, cases aimed at preventing public tax money from being used for private sectarian purposes)."

Though the complexity of the church-state question has made it difficult to obtain adequate financial support, the executive director was proud to state that "POAU has managed to close every year without a deficit" and to purchase the national headquarters building and all its equipment debt-free.

"Our aim in all of these and other activities," he summed up, "is to point out the great advantages of church-state separation to all people. We are convinced that religious life flourishes in a free society and suffers under clericalism, as we see in Spain."

At the conclusion of his letter, Archer called attention to the date of the forthcoming Seventh Annual Meeting of the national advisors—January 19, 1955—and urged all to attend.

'Secular' Role Held Essential for Faith

"The history of Christianity has in fact been characterized by repeated influence from secular quarters in such fashion that the proposed dissociation of the church from culture would be fatal to the development of Christianity itself." So argues Dr. Edwin E. Aubrey, professor of religious thought at the University of

Pennsylvania, in his new book, *Secularism A Myth* (Harper, New York, 191 pp., \$2.50).

The book, which embodies the Ayer Lectures given by Dr. Aubrey at Colgate-Rochester Divinity School in 1953, is intended, says the author, to counteract use of the epithet, "secularism," as "a substitute for doing one's duty in a humble and constructive fashion." Beginning with a summary of the many meanings assigned to "secularism" by Christian and anti-Christian leaders of the nineteenth and twentieth centuries, Dr. Aubrey proceeds to a cogent review of the origins of Christianity, and points out, among other things, that:

"There is no question that much of the law of the church arose, as any body of law does, from the exigencies of practical problems that had to be settled in an orderly manner; and it is also true that, as the Roman legal system went into decline with the general collapse of the Empire, the church, as the most powerful universal group, shaped the Roman law to its own needs, adding new elements drawn from the Christian tradition. But it could not do this without taking up into its own canon law many practices and assumptions of the Roman law."

Transforming History

"... The church," Dr. Aubrey observes later, "had to incorporate history into itself and transform that history. And this demanded a direct involvement in history, in the secular world. This the Reformers clearly saw when they abandoned monasticism and when they gave a large place to the laity in the development of church life."

Summing up his position, the author states his deep concern over "the tendency of the church to attack when it might be learning, and to treat with contempt many contemporary forces which might be its allies in the struggle for righteousness." He calls for a recovery of "perspective" in this matter so that the church will not "find itself in an eddy to the side of the main stream of the life of our time." Emphatically, Dr. Aubrey states the case for the American system of church-state relationships: "The present strength of the church in this country is due in large measure to the important fact that, because we have never had a religious establishment in the United States, the church has had to come to terms with the people. This has meant in turn that we have had to keep closer to the thinking of the society in which we live."

Persecution

(Continued from page 1)

estants suffer persecution and intolerable limitations on their religious expressions. Official sanction for government interference has been based on the Fascist laws of 1929 and 1930 despite the declaration of Italian magistrates that the laws have been abrogated by Articles XVII and XIX of the Constitution of 1948. Methods of suppression are: closing of churches; refusal of authorities to grant permits for new ones; unjust and exorbitant taxation; placing obstacles in the way of visa renewals for foreign missionaries; and fines and imprisonment for offenders.

Greece

The Ministry of Cults in Greece attempted to restrict activities of all churches except the state-approved Greek Orthodox Church early this year in an order requiring leaders of Protestant denominations to submit complete lists of all persons attending services in their churches. Staunch refusal by the churches affected—Greek Evangelical, Old Calendar Sect, Jehovah's Witnesses and others—to comply with the order, and intervention by the World Council of Churches, influenced the government to withdraw the order.

In the Soviet Union both Catholic and Protestant clergymen have been reported being held in slave labor camps where they are not allowed to conduct religious services nor to engage in any religious activities. Also in the camps are ten thousand Rumanian and Russian Jews. Within the past four years 150 Jewish leaders in Rumania have been jailed and held incommunicado, forty-six of them drawing harsh prison terms as a result of secret trials.

In East Germany the Communist government refused permission for an all-German Protestant laymen's rally scheduled for the Soviet Zone this July, contrary to assurances by the Minister of Church Affairs that the government was cooperating to the fullest in arranging for the meeting.

Legal bans on Jesuits in Switzerland and Norway still exist, although constitutional procedures to remove the bans have been proposed.

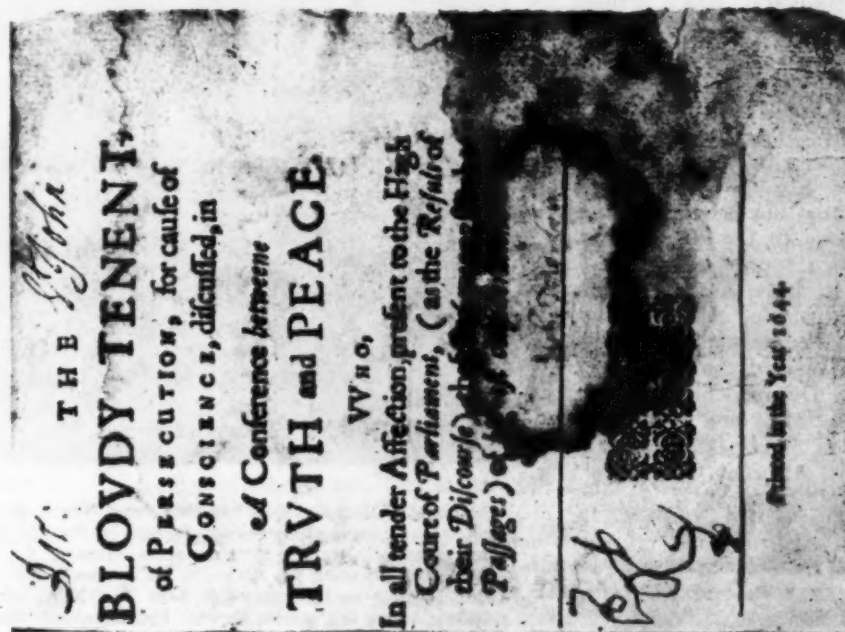
In spite of this letter, with its detailed and specific references to *legal and governmental curbs* on freedom of religion in the countries named, Congressman McVey has replied that he must decline to enter such material in the *Congressional Record* because it merely involves "strife between religious sects" and is not "reliable"! Replying in turn, POAU Executive Director Archer repeated his contention that "this business of religious intolerance ought to stop not only behind the Iron Curtain," but everywhere else in the world where it exists.

The drawing of Dr. Poteat on page 8 is a self-portrait.

... God Requireth Not An Uniformity of Religion ...

—Roger Williams presents the case for freedom of conscience.

(Reproduced below is the title page of Roger Williams' *Bloudy Tenent of Persecution*, published in England in 1644. In this book, the founder of Rhode Island boldly set forth the classic argument for universal freedom of conscience—and brought down on his head a resolution of the British House of Commons ordering "the publick burning of one Williams his Books ... concerning the Toleration of all sorts of Religion." As part of its "Documents of Freedom" series, CHURCH AND STATE presents here some of the most significant passages from Williams' 12-point synopsis of his argument.)



First, That the blood of so many hundred thousand souls of Protestants and Papists, spilt in the Wars of present and former Age, for their respective Consciences, is not required nor accepted by Jesus Christ the Prince of Peace.

Fifthly, All Civill States with their Officers of justice in their respective constitutions and administrations are proved essentially Civill, and therefore not judges, Governours or Defendours of the Spirituall or Christian State and Worship.

Sixt[h]ly, It is the will and command of God, that since the coming of his Sonne (the Lord Jesus) a permission of the most Paganish, Jewish, Turkish or Antichristian consciences and worships, bee granted to all men in all Nations and Countries: and they are onely to bee fought against with that Sword which is onely (in Soule matters) able to conquer, to wit, the Sword of Gods Spirit, the Word of God.

Seventhly, The state of the Land of Israel, the Kings and people thereof in Peace & War, is proved figurative and ceremoniall, and no patterne nor president [precedent] for any Kingdom or civill state in the world to follow.

Eight[h]ly, God requireth not an uniformity of Religion to be inacted and enforced in any civill state; which enforced uniformity (sooner or later) is the greatest occasion of civill Warre, ravishing of conscience, persecution of Christ Jesus in his servants, and of the hyprocrisie and destruction of millions of souls.

Eleventhly, The permission of other consciences and worshipes than a state professeth, onely can (according to Gods) procure a firme and lasting peace, (good assurance being taken according to the wisdom of the civill state for uniformity of civill obedience from all sorts.)



ROGER WILLIAMS

Drawing by R. M. Eldridge, courtesy of Review and Herald Publishing Association.

'Watchful Waiting' Blanshard's Policy on Nuncio Oath Question

Possible legal action testing the right of an American citizen to serve as the Vatican's papal nuncio to a foreign country must wait for the right circumstances, Paul Blanshard, author of *American Freedom and Catholic Power**, declared in a recent letter to *The Christian Century*. In spite of the State Department's inaction in the matter of his petition on the subject (*Church and State*, March and April, 1953), Blanshard observed that the issue has an abiding significance which may some day come before an American court. His letter follows:

"SIR: I feel that I owe to the readers of *The Christian Century* an explanation of what happened to my petition of last year to the State Department asking for the revocation of the American citizenship of Archbishop Gerald P. O'Hara, [then] papal nuncio to the Irish Republic, for violating the McCarran Act. Readers will recall that I asked for the revocation of his citizenship under that section of the law which penalizes service to the government of a foreign state when such service requires an oath of allegiance to that government. I expressly disclaimed admiration for the reactionary McCarran Act, but suggested that even the Vatican should not be considered 'above the level of American law.' Protestants and Other Americans United for Separation of Church and State vigorously supported the petition.

"When, as *The Christian Century* of July 8, 1953, pointed out, the State Department dodged the central issue in the case, I appealed directly to Attorney General Brownell to locate the 'missing statehood' which seemed to have disappeared somewhere at papal headquarters. I asked him five questions: (1) Is the Holy See a foreign state? (2) Is the Vatican City a foreign state? (3) Is the Roman Catholic Church a foreign state? (4) Is Pope Pius XII the government of a foreign state? (5) Is the bishop's oath of allegiance to the Pope, including as it does a specific pledge to obey all Vatican laws, an affirmation of allegiance within the meaning of United States statutes? Mr. Brownell merely 'passed the buck' back to the State Department, saying that 'no request has come from the Department of State asking for any action by the Attorney General in this matter.

"What can we do next? I had con-

*This and the author's two other related books—*Communism, Democracy and Catholic Power* and *The Irish and Catholic Power*—were published by the Beacon Press of Boston.

templated a legal action bringing [Secretary of State] Dulles into court and compelling him to define the status of the Vatican in American law. There are, however, three special factors which make such an action untimely at the present moment. (1) The Vatican has announced the transfer of Archbishop O'Hara from Dublin to London, where he will not be a papal nuncio but an apostolic delegate, a purely religious office without diplomatic status which is morally, if not legally, outside the purview of the McCarran Act. [The Vatican recently named Archbishop Albert Leva as the new papal nuncio to Ireland. Leva, former papal internuncio to Egypt, is a native of the European principality of Monaco. —*Editor's note.*] (2) A stronger legal case against the service of an American as a papal diplomat may develop in the future if and when a

new bishop who has taken his oath of allegiance to the pope after 1952 is appointed a papal nuncio. O'Hara took his oath before the McCarran Act came into effect in 1952, and, therefore, the case against him must come under the weakest section of the law. [Archbishop Aloysius Muench of Fargo, N. D., is the only American now remaining as a papal nuncio (to Germany), and he also took his oath before the McCarran Act came into effect. —*Editor's note.*] (3) The suit of a taxpayer asking the Secretary of State to come into court in such a case involves the risk of defeat on the technicality that the plaintiff lacks an economic interest in the outcome. And certainly that risk (and expense) should not be incurred until the two special factors which I have noted above can be avoided. It seems best, therefore, to drop the case temporarily, and await a more opportune time to make the legal challenge.

Not Wasted

"Has the effort been wasted? I hope not. . . as *The Christian Century* has pointed out, the case against Archbishop O'Hara may be of immense importance if and when a new

(Continued on next page)

DIPLOMAT OR PRIEST?



PICTURE BY "THE IRISH TIMES"

During his two-and-a-half years as Papal Nuncio to Ireland, Archbishop Gerald P. O'Hara, an American citizen, was considered "dean of the diplomatic corps" in Dublin, and at public ceremonies such as that pictured above (January 1, 1953) took precedence over all the ambassadors, including the American. He is shown here presenting the diplomatic corps' New Year's greeting to Irish President Sean T. O'Kelly. Although the Archbishop was recently transferred from this post to another, Paul Blanshard, who challenged his American citizenship status during his tenure as Nuncio, says that the "status of the Vatican in American law" may yet come before an American tribunal for legal definition (see story on this page).

'Spanish Way' Opposed By Archdiocesan Paper

Last April 9 an editorial appeared in the Roman Catholic archdiocesan newspaper, *The Indiana Catholic and Record*, which might well be reprinted in every issue so long as news of persecution continues to pour out of Colombia, Spain, Italy and other Roman Catholic countries. Entitled, "Here's An Old Spanish Custom We Could Well Do Without," the editorial said in part:

"There are two ways of handling the question of Protestant missionaries in Catholic countries.

"There is the Spanish way.

"Then there is the right way—or at least what many of us in America consider to be the right way.

"Apparently some Catholics in Colombia, South America, want to try the Spanish way in dealing with their active Protestant minority. A government Commission on Constitutional Studies has recommended two constitutional amendments that would restrict Protestant religious and educational activity.

Ill-Advised

"One would bar Protestants from proselytizing outside their own churches. The other would require that instruction of Catholic students at non-public schools conform to Catholic dogma.

"Before anyone tells us it's none of our business how Colombian Catholics choose to act on this question we unequivocally state it is too our business—and that of Catholics everywhere in the world. This business of belonging to a Catholic, i. e., universal church, works both ways. You can take satisfaction for the good the Church is doing everywhere in the world; but you're also going to be blamed for the ill-advised things people in other countries do in the name of the Church. . . ."

At the end of the editorial, *The Indiana Catholic and Record* called on zealous Colombians to ponder an utterance of Pope Pius XII last December in which the pontiff said that "some circumstances permit, and even perhaps seem to indicate as the better policy, toleration of error in order to promote a greater good." But it may well be that the Colombian zealots have pondered the papal utterance, which does not take a positive stand for "toleration," but advocates it only under "some circumstances."

SIGN CHURCH-STATE PACT



RELIGIOUS NEWS SERVICE PHOTO

The Dominican Republic's "confirmed adherence to the Catholic Church as the protectress of order and Christian civilization in the world" was proclaimed by General Rafael Leonidas Trujillo (above, left) as he met in private audience with Pope Pius XII at the Vatican after signing a Concordat between his country and the Holy See. The audience granted to Trujillo, former dictator of the Dominican Republic, was the first given by the pontiff since his recent illness. Msgr. Domenico Tardini and Msgr. Giovanni B. Montini, Vatican secretaries of state, signed the agreement in the Hall of Congregations of the Vatican Palace. "The text of the agreement was not made public," the National Catholic Welfare Conference news service (NC) reported in a June 17 dispatch. The dispatch referred to an account in the Vatican City newspaper, "Osservatore Romano," which hailed the Concordat as a new evidence of the island republic's support of the Church, manifested previously by "the enactment of a law in 1931 and the passage of supplementary legislation in 1934 which recognized the juridical status of the Church in the Dominican Republic and established religious education in the public schools."

Nuncio Oath Question

(Continued from page 6)

move is made at Washington for the appointment of an American ambassador to the Vatican.

"Catholic spokesmen, in rejecting the charge that O'Hara is unlawfully serving as the diplomat of a foreign government, have argued that the Vatican diplomatic corps is purely religious and is attached not to the Vatican City State but to the Holy See. This reply is wholly specious, since Vatican City is simply the local government branch of the papacy in much the same way as the government of the District of Columbia is the local government branch of the United States. But if this reply is taken at its face value, it means that any future American ambassador (the counterpart of a papal nuncio) sent to the Vatican is being sent to a religious institution, and this is unthinkable under our traditional policy of church-state separation.

"In trying to evade the responsibilities of a foreign state under our law in the O'Hara case, the papal secretariat of state has apparently outmaneuvered itself. A little reflection

would have led the Vatican's experts in international law to realize that the appointment of an American citizen as a papal nuncio at the court of a third power and the appointment of an American citizen as an American ambassador at the Vatican are mutually contradictory proposals, based upon conflicting legal presumptions. If the Vatican diplomatic establishment is religious (as the Vatican has maintained in the O'Hara case), we cannot send a representative to its headquarters; if it is political, an American citizen cannot serve in it lawfully. It might be General Mark Clark or Archbishop O'Hara. It could not possibly be both.

"In either case, it has probably been worth while to dramatize the fact that we have a double standard of dealing with foreign dictatorships in American law, one for the Vatican and one for the rest of the world. If I had asked Mr. Dulles and Mr. Brownell whether an American citizen can lawfully serve as a diplomat for the Kremlin, I think I would have received an intelligible reply."

THE PRESIDENT'S CORNER



This is a good opportunity for a word of retrospect, assessment and prediction. It is a remarkable story that POAU can tell of its uncertain and precarious beginnings six years ago to its position of national recognition and significance today. The wisdom of the little group that foresaw the need for the work we have undertaken has been validated in many ways all over the nation.

That little group has grown to a fellowship of thousands. In 38 states there are chapters operating under the direction of alert, dedicated citizens and there are many thousands of others who continue their support outside formally organized groups. Our grateful thanks to them all and our welcome to all others who share our purposes.

The problem of the maintenance of the separation of church and state has been dramatically put before the people of our country during these few busy years. Committed as we are to the integrity of this great American principle we have avoided being drawn into other auxiliary in-

terests. This has enabled us to win important legal victories and to alert our citizens to the necessity of unrelenting vigilance against violations of the law by whatever group, whether through design or inadvertence. As a result of this, nearly seventy books and pamphlets have been written, printed and disseminated, many of them by our office and many by commercial publishing houses aware of the general national interest in our problem.

The National Advisors and The Board of Trustees have mapped out an aggressive program for 1954 and 1955 that will extend our organizational reach more widely and deal with problem situations more extensively. This will call for more generous support from all those who are resolved that the interpretation and maintenance of the First Amendment to the Constitution shall continue to be in terms of the traditional faith of our Founding Fathers and not in terms of the leaders of some modern clerical-states who would establish a new—and we are confident—fatal perversion of the church-state separation principle.

Our freedom from the confusions and strife that occur inevitably in states where legal freedom of religion is not undergirded with legal separation of the authorities of church and state has been threatened. It was once too dearly won to be carelessly lost now. POAU will continue to press its patriotic insistence on the minds of our people not in order to offend or injure any group but rather to encourage and strengthen those who believe in the wisdom and the practicality of the great American principle that says: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

EDWIN MCNEILL POTEAT

CHURCH AND STATE

Monthly Organ of
Protestants and Other Americans United for Separation
of Church and State

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Kentucky School-Bias Protest March Seen

Residents of Bradfordsville, Ky., said last month that they were considering a protest march on Frankfort, the state capital, in order to make it clear that they would no longer tolerate what they called "discrimination" by the Marion County School Board against their public high school and in favor of the "lavishly outfitted," nun-staffed St. Charles "public"-parochial high school. For several years, say the aroused Bradfordsville parents, they have watched their local school being "robbed" of its equipment, course materials, bus service and other essentials while the nearby St. Charles school has been "favored" by the five-man school board, three of whose members are Roman Catholic and two Protestant (*Church and State*, February, 1953).

Determined Stand

Some 200 Bradfordsville people have also agreed that they will withhold all their taxes unless their school is "equalized" with the St. Charles school. Their determined stand was taken after Assistant Attorney General M. B. Holifield, intervening on behalf of the defendants in a suit brought by the POAU-affiliated Kentucky Free Public Schools Committee, filed an opinion maintaining that any restriction on the employment of garbed Roman Catholic nuns in public school teaching posts would be a deprivation of their "civil rights to hold office or to engage in any public employment. . . ."

Feeling is running so high in the community that there have been incidents verging on violence, it is reported. Mrs. Edith Wilson, a school board member from Bradfordsville (and a Protestant), has stated that at a May 25th meeting between parents and Schools Superintendent Hugh C. Spalding (a Roman Catholic), Spalding was asked about certain school equipment allegedly transferred to St. Charles and then "dragged" into the hall to find the janitor and prove that the equipment was still on hand. John F. Brennan, county schools music director, charges that an unidentified man struck him as he and Spalding were getting into a car to leave the premises. Spalding later moved for and obtained a school board resolution to "refer the matter to law enforcement authorities for prosecution and possible criminal action."